

REMARKS

Claims 1-9, 22-34 and 39-47 are pending in this application.

Priority/Benefit Claim

Applicants extend their thanks to the Examiner for his assistance in resolving the priority and benefit claims for this application.

As discussed in the telephone interviews held on 8/25/08 and 8/27/08, this application is a divisional application of USSN 09/204,067, now U.S. Patent No. 6,726,650, which claims priority to EP Patent Application No. 97810947.8. In 2006, applicants amended the specification to recite the above information at the request of the previous Examiner. A copy of the 2006 Amendment is attached. Applicants note that the EP application was listed on the inventor's Oath and Declaration and on the Transmittal at the time of filing, but that the U.S. parent application was inadvertently omitted.

The above amendment to the specification was timely because the instant application was filed prior to November 29, 2000. Therefore, per MPEP § 201.11 (V), the time limits under 37 C.F.R. § 1.78 did not apply. The relevant language from MPEP 201.11(V) reads as follows:

The time period requirement under 37 CFR 1.78(a)(2) and (5) is only applicable to utility or plant applications filed on or after November 29, 2000.

To the extent the above discussed 2006 amendment to the specification has not been entered, applicants hereby request entry of the amendment and acknowledgement of the priority/benefit claims therein. Per the Examiner's request, applicants are also concurrently filing a request for a corrected filing receipt so as to update the USPTO record with the correct priority/benefit information.

For the convenience of the Examiner, applicants also attach a copy of the certified EP application which was filed in the U.S. parent case (USSN 09/204,067)

As discussed with the Examiner, the only outstanding rejections are based on art which post-dates the priority date of this application. Applicants note the Examiner's agreement that this case would proceed to allowance upon entry of the priority claim. Therefore, applicants respectfully request withdrawal of the § 102 and § 103 rejections and speedy issuance of a notice of allowability.

No fees are believed due in connection with the filing of this Response to Office Action. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

Dated: August 28, 2008

/Henry J. Cittone/
Donald Rhoads, Reg. No. 34,705
Henry J. Cittone, Reg. No. 57,206
Attorney for Applicants
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100 (phone)
(212) 715-8000 (fax)